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Attorneys for Defendants
VAXGEN, INC. and LISA BROOKS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARIA RAZBAN,

Plaintiff,

v.

VAXGEN, INC., a Delaware corporation,
LISA BROOKS, and DOES 1 through 50,
inclusive,

Defendants.

No. C 07-03136 JL

**JOINT UPDATED STATUS REPORT AND
CASE MANAGEMENT STATEMENT, AND
PROPOSED CASE MANAGEMENT ORDER
PURSUANT TO F.R.C.P.26 (F) AND LOCAL
RULE 16-9**

Conference Date: January 23, 2008

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16-9, Plaintiff Aria Razban and Defendants VaxGen, Inc. and Lisa Brooks submit the following Joint Status Report and Case Management Statement, Proposed Case Management Order.

INITIAL CASE MANAGEMENT CONFERENCE.

An initial Case Management Conference was held before Magistrate Judge Larson on September 19, 2007. The Court ordered the parties to participate in an Early Neutral Evaluation ("ENE") and adopted Plaintiff's proposed discovery schedule.

1 **V. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES.**

2 Pursuant to Local Rule 73-1(a)(1), the parties have consented to proceed before
3 Magistrate Judge Larson.

4 **VI. ADR.**

5 The parties filed a Joint ADR Certification By Parties and Counsel, Stipulation and
6 Proposed Order Selecting an ADR Process, namely Early Neutral Evaluation pursuant to ADR
7 Local Rule 5, on August 24, 2007. The parties agreed to hold the ADR session within 90 days
8 after referral to ENE pursuant to ADR Local Rule 5-4(b). This case was referred to ENE on
9 September 19, 2007 and the ENE was scheduled to take place on December 18, 2007. By
10 Stipulation and Order dated December 28, 2007, the ENE deadline was extended to February 8,
11 2008 to permit the parties time to complete Plaintiff and Defendant Lisa Brooks' depositions
12 before the ENE. Plaintiff's deposition is currently noticed for January 16, 2008. Ms. Brooks'
13 deposition has not yet been noticed. The ENE is currently scheduled for February 4, 2008 before
14 Lynne C. Hermle.

15 **VII. SETTLEMENT.**

16 The parties have agreed to attend a settlement conference in front of a Magistrate Judge.
17 The parties agree that the settlement conference should take place after discovery has been
18 completed.

19 **VIII. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS.**


20 Defendants filed their "Certification of Interested Entities of Persons" pursuant to Local
21 Rule 3-16 on June 14, 2007 when they removed the case to this Court. Defendants disclosed at
22 that time that Defendants' insurer, National Union Fire Insurance Company of Pittsburgh, PA,
23 may provide coverage for certain claims in this action and that National Union Fire Insurance
24 Company of Pittsburgh, PA is wholly owned by American International Group, Inc., a publicly-
25 held corporation listed on the New York Stock Exchange. Plaintiff is unaware of any non-party
26 interested entities or persons at this time.

1 **IX. TRIAL.**

2 Plaintiff requested a jury trial in the First Amended Complaint. The parties estimate that
3 trial in this case will take ten (10) court days. No trial date has been set.

4
5 Dated: January 8, 2008

COOLEY GODWARD KRONISH LLP

6
7 By: 
8 Lisa Barnett Sween

9 Attorneys for Defendants
10 VAXGEN, INC. and LISA BROOKS

11
12 Dated: January __, 2008

LAW OFFICES OF IRA LESHIN

13
14 By: _____
15 Ira Leshin

16 Attorneys for Plaintiff
17 Aria Razban

18
19 **IT IS SO ORDERED:**

20 Dated: _____, 2008

21 _____
22 Honorable James Larson
23 United States Magistrate Judge

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1 X. TRIAL.

2 Plaintiff requested a jury trial in the First Amended Complaint. The parties estimate that
3 trial in this case will take ten (10) court days. No trial date has been set.

4
5 Dated: January __, 2008

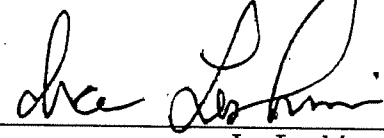
COOLEY GODWARD KRONISH LLP

6
7 By: _____
8 Lisa Barnett Sween

9 Attorneys for Defendants
10 VAXGEN, INC. and LISA BROOKS

11 Dated: January 8, 2008

LAW OFFICES OF IRA LESHIN

12
13 By: 
14 Ira Leshin

15 Attorneys for Plaintiff
16 Aria Razban

17
18 IT IS SO ORDERED:

19
20 Dated: _____, 2008

Honorable James Larson
United States Magistrate Judge

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PROOF OF SERVICE
(FRCP 5)

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Cooley Godward Kronish LLP, 101 California Street, 5th Floor, San Francisco, California 94111-5800. My e-mail address is keudaley@cooley.com. On the date set forth below I served the documents described below in the manner described below:

**JOINT UPDATED STATUS REPORT AND CASE MANAGEMENT STATEMENT, AND
 PROPOSED CASE MANAGEMENT ORDER PURSUANT TO F.R.C.P.26 (F) AND LOCAL
 RULE 16-9**

- ☒ (BY U.S. MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by _____ for overnight delivery.
- ☐ (BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

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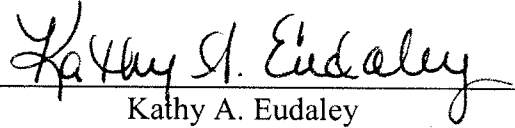
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1 on the following parties in this action:

2 Ira Leshin, Esq.
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5 San Francisco, CA 94104
6 Tel: (415) 398-3950
7 Fax: (415) 398-1567
8 email: iraleshin@aol.com

9 Executed on January 8, 2008, at San Francisco, California.

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Kathy A. Eudaley